

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Howard W. Amos,

No. 22-cv-2108 (JWB/DLM)

Plaintiff,

v.

**ORDER TO MEET AND
CONFER AND SUBMIT JOINT
RULE 26(f) REPORT**

Ryan Kelly and Kurtis Schoonover,
sued in their individual and official
capacities,

Defendants.

The Defendants in this matter have answered the Complaint and the Court thus orders the parties to meet and confer and submit a joint report under Rule 26(f) of the Federal Rules of Civil Procedure (“Rule 26(f) Report”).

Ordinarily, a pretrial schedule is determined following a pretrial conference. *See* Fed. R. Civ. P. 16(a). In this case, however, because the Plaintiff is a pro se prisoner for whom attendance at the pretrial conference may be challenging, the Court will issue a pretrial scheduling order based on the parties’ Rule 26(f) Report without a pretrial conference. The Court may reconsider this course if its review of the Rule 26(f) Report indicates that the parties cannot agree on appropriate deadlines, discovery limits, or the scheduling of any settlement conference; the parties have made unusual deadline or discovery limit requests; or the Court otherwise determines a case’s schedule needs further discussion. The Court encourages any party to request a pretrial conference, however, if that party should determine such a conference would assist the parties or the Court. The Court may, on its own,

determine that a pretrial scheduling conference is necessary, and if so, will notify the parties. If no pretrial conference is scheduled the Court will issue a pretrial scheduling order pursuant to Federal Rule of Civil Procedure 16(b) based on the parties' Rule 26(f) Report.

IT IS ORDERED that:

1. Defense counsel and Plaintiff must meet in person or by video- or tele-conference no later than **March 20, 2024** according to Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 26.1. Defense counsel and Plaintiff are expected to review and familiarize themselves, before the Rule 26(f) conference, with recent amendments to the Federal Rules of Civil Procedure and the Local Rules for this District. In addition, counsel should review the Court's Guide, "Discussion of Electronic Discovery at Rule 26(f) Conferences: A Guide for Practitioners," <https://www.mnd.uscourts.gov/sites/mnd/files/eDiscovery-Guide.pdf>.
2. No later than **March 27, 2024**, the parties must prepare and file a joint Rule 26(f) Report in compliance with the rules using the attached Rule 26(f) Report Template. A copy of the 26(f) Report in Word format should also be mailed to Magistrate Judge Micko's chambers at the time of the joint filing.
3. If any party believes that a Pretrial Scheduling Conference would be beneficial in this case, that party should file their request in a no more than two-page letter, giving their reasons for making it, no later than **March 20, 2024**.

4. In addition to the Rule 26(f) Report, each party must prepare a one- to two-page confidential letter describing any settlement discussions that have taken place, whether and when the party believes a settlement conference might be most productive, and what discovery each party believes is necessary before an early settlement conference can take place, no later than **March 20, 2024**. The letters must be mailed to Magistrate Judge Micko's chambers no later than **March 27, 2024**.
5. Failure by any party or counsel to comply with any part of this Order, including timely submission of the Rule 26(f) Report and settlement letter to Magistrate Judge Micko's chambers, may result in the imposition of an appropriate sanction on the party, company, or attorney who failed to comply, or both.

Date: February 29, 2024

s/Douglas L. Micko

DOUGLAS L. MICKO

United States Magistrate Judge

Attachment